

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Ubuntu Trading (USA) Inc.,

Plaintiff,

-against-

Falour.Com, Li Wenzhuo, Dashopx.Com,
Rachel Eipstein, and John Does 1–10,

Defendants.
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RAMÓN E. REYES, JR., U.S.D.J.:

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**
23-cv-6737 (RER) (SJB)

In a report and recommendation dated January 8, 2024, (ECF No. 15, the “R&R”), United States Magistrate Judge Sanket Bulsara recommended that the Court dismiss the complaint without prejudice due to plaintiff’s failure to file proof of service within 90 days or show good cause for that failure. (*Id.* at 3.) Judge Bulsara advised the parties that they had 14 days from the date of that R&R in which to file objections. (*Id.*) The R&R was electronically served on January 8, 2024. To date, no party has filed an objection to the R&R.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety. *See Est. of Thomas v. Cigna Grp. Ins.*, 2018 WL 4141033 at *2-*3 (E.D.N.Y. Aug. 30, 2018); *see also Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007)). Dismissal for lack of service is required by Rule 4(m):

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

As explained in the R&R, the Complaint against Defendants was filed on September 11, 2023. (ECF No. 1). On December 14, 2023, Plaintiff was ordered to file a letter demonstrating proof of service. Plaintiff has not responded to the Court's order and has not filed anything on the docket since September 25, 2023. Accordingly, it is

ORDERED that the R&R is adopted in its entirety, and this action is dismissed without prejudice. The Clerk of Court is directed enter judgment dismissing the case.

SO ORDERED.

RAMÓN E. REYES, JR.
United States District Judge

Dated: January 25, 2024
Brooklyn, NY